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ROCKEFELLER FIGHTS FOR HIS \$29,240,000

SIXTY-FIVE YEARS OLD MARRIES RICHEST GIRL IN AMERICA

STANDARD OIL AGAIN COMES UP FOR TRIAL ON REBATING CHARGE

ONCE SENTENCED TO PAY FINE OF \$29,240,000 ROCKEFELLER COMES UP SMILING AND CONFIDENT OF VICTORY AFTER JUDGE GROSSCUP'S ABUSE OF TRIAL JUDGE

[United Press Leased Wire.] Chicago, Feb. 23.—The second great struggle between the Standard Oil Company and the United States government began in the United States district court here today, when examination of veniemen for the selection of a jury to retry the famous \$29,000,000 case began. Federal Judge A. B. Anderson is presiding. The names of 150 residents of Northern Illinois were selected last week to comprise the panel from which the jury will be chosen. United States District Attorney Sims, assisted by Special Prosecutor James Wilkerson and Assistant States Attorney Harry Parkin, represented the government, and Attorneys John S. Miller, Moritz Rosenthal and A. D. Eddy the oil trust.

That the government will again attempt to have an enormous fine assessed became known last week when Sims notified the attorneys for the defendant company that he expected to prove 1462 separate offenses of rebating, in violation of the Elkins' anti-trust law. If he succeeds he will ask that the court assess the maximum penalty of \$10,000,000. The minimum penalty, if the company should be convicted on all these counts, will be only \$720,000. The original Standard Oil case was heard by Federal Judge Kenneth M. Landis, and the trial began March 4, 1907. The oil company had been indicted by two separate grand juries on 6428 counts, charging violations of the Elkins' anti-trust law, which prohibits the granting or accepting of rebates on oil or oil products. The trial lasted six weeks.

United States District Attorney Sims represented the government, while Attorneys John S. Miller, Moritz Rosenthal, Virgil P. Kline, A. D. Eddy and H. W. Martyn appeared for the Standard.

The specific indictments upon which the United States authorities elected to make their fight numbered 1462, and charged the acceptance of rebates from the Chicago & Alton railroad aggregating \$225,000, or shipments for 6000 cars of oil from Whiting, Ind., to East St. Louis.

After a trial replete with sensations, the jury returned a verdict of guilty on each indictment, and on each separate count in each indictment. The maximum fine was \$29,240,000. It could be less if the Standard Company of Indiana, a million-dollar corporation, was not a subsidiary of the Standard Company of New Jersey.

After conviction and before he pronounced sentence, Judge Landis expressed a curiosity to have this latter point cleared up and he subpoenaed John D. Rockefeller and lesser Standard Oil officials to testify regarding the connection between the Indiana and the New Jersey companies. On August 3, 1907, Judge Landis fined the oil company unmercifully. The Standard company immediately took

the case to the United States court of appeals on a writ of error. Its petition avers that the trial court had erred in ruling that the number of offenses should be reckoned by the number of carload lots and not by the number of shipments; that the trial court had erred in ruling that ignorance of the law is not an excuse for violation of it, and the trial court had assessed an excessive fine and had gone beyond its power in hearing testimony after the jury had returned a verdict.

Last June the appellate court handed down a decision on this writ of error petition reversing the trial court and remanding the case to Judge Landis' court for re-trial. This opinion, written by Judge Grosscup, contained what was called the most remarkable exhortation of one court by another in the history of the American bench. The opinion denounced Judge Landis in unmeasured terms, holding that he had really convicted the Standard Oil Company of New Jersey when it was not even on trial. The opinion, referring to Judge Landis' decision, said:

"No monarch, no parliament, no tribunal of western Europe for centuries has pretended to have the right to punish except after due trial under all forms of law. Can that right fully be done here on no other basis than the judge's personal belief that the party marked by him for punishment deserves punishment? If so, it is because the man who happens to be a judge is above the law."

"On August 14 last, District Attorney Sims filed a petition for a rehearing of the case before the appellate court, alleging that the circuit court had misunderstood and misquoted the rulings of the trial judge, and alleged further that the circuit court's rulings, if sustained, would make the inter-state act mere will-o'-the-wisp legislation, a phantom statute."

The appellate court declined to reverse its former decision and Attorney General Bonaparte then applied to the supreme court of the United States for a writ of certiorari, hoping thus to get the case before the nation's highest tribunal with the \$29,240,000 fine attached.

The supreme court refused to grant the writ on the ground that no great question of public moment was involved. Attorney General Bonaparte immediately ordered United States District Attorney Sims to begin the retrial at the earliest possible moment. Judge Landis, who presided at the first trial, declined to do so at the second, and Judge Anderson of Indianapolis consented to act.

Immediately after the court convened, Attorney Miller, chief counsel for the Standard, moved that the entire venire of 150 names be quashed, on the ground that it was improperly drawn, and that too large a proportion of the talesmen were made of farmers.

The attorneys for each side then

began an argument on the motion to excuse the veniremen. The court excused the veniremen until this afternoon, pending a decision on the motion.

CANADIAN WINS THE GREAT MARATHON RACE

[United Press Leased Wire.] Seattle, Wash., Feb. 23.—To Will R. Chandler, of Vancouver, B. C., belong the laurels of the first race ever run over the full Marathon distance in the Northwest. The sturdy Canadian athlete outgamed and outdistanced all his rivals in the Washington classic yesterday afternoon, finishing more than two miles ahead of his nearest competitor, Fred Walby, Portland Y. M. C. A., was second, seven laps away, and Walter Spangler, Seattle Athletic Club, third, 12 laps from the leader.

Over a track inches deep with heavy clay and loose cinders the Marathon was run. From start to finish of the contest a cold, driving rain fell upon the thinly clad athletes, wetting and chilling them until they shivered constantly, even in the and terrible weather conditions made fast time out of the question. Chandler went the full distance, 36 miles, 385 yards, in 3 hours, 45 minutes, 16 2-5 seconds. For the last five miles the pace was no faster than a walk, and most of the men were actually walking.

Only two went the full distance. The others dropped by the wayside, worn by the long grind.

FELL UPSTAIRS AND CUT SEISMOGRAPH OUT

[United Press Leased Wire.] Philadelphia, Feb. 23.—The sight of the president-elect of the United States sprawled out full length, after having fallen upstairs in hurrying to

catch a train, greeted the eyes of hundreds of persons here today.

A great crowd was following the rushing form of Mr. Taft as he displayed to the admiration of all that his great bulk did not prevent him from being active and light on his feet. He was doing beautifully until he reached the stairs. Then, half way up the flight, his foot caught and the momentum hurled him on up the steps. He was on his feet in a moment, smiling, and as the crowd cheered, he smilingly remarked: "Well, I always heard it was good luck to fall upstairs."

ELKINS LAW UPHELD BY SUPREME COURT

[United Press Leased Wire.] Washington, Feb. 23.—The supreme court of the United States today held that the rebate provisions of the Elkins act are constitutional and decided against the New York Central and Hudson River Railroad Company in the sugar rebating cases.

The New York Central was fined \$18,000 and Traffic Manager Fred L. Pomeroy \$6000 under the Elkins act for granting rebates to the "sugar trust" on shipments of sugar in 1902 from New York to Cleveland, and in 1904 from New York to Detroit.

THREE DEAD; 14 BURIED IN CAVING SEWER

[United Press Leased Wire.] Seattle, Feb. 23.—A report has reached the city that a cave-in on the north trunk sewer near the Alaska-Yukon-Pacific exposition grounds has resulted in the death of three laborers and fourteen others are entombed alive about twenty feet below the surface. A pipe has been forced through the loose dirt to afford air to those entombed. Falling planks afford a roof for those caught in the cave-in.

SAYS ROOSEVELT HAS PERSECUTED THE RAILROAD

E. R. RIPLEY PRESIDENT OF THE SANTA FE SAYS THE COUNTRY'S PROSPERITY DEPENDS ON THE POSITION TAKEN BY TAFT AS TO RAILROADS

[United Press Leased Wire.] Los Angeles, Cal., Feb. 23.—Charging that President Roosevelt has persecuted the railways, and that at the present time this country is an oligarchy, E. P. Ripley, president of the Santa Fe, in an interview made public here today, declared that future conditions of business generally depended largely upon the attitude of President-elect Taft toward the railroads.

After admitting that traffic is better now than it was a year ago Ripley called attention to the fact that that it was not so good as it was two years ago, and that the boom following Taft's election has died out.

"The country is in a waiting mood," he declared. "Waiting to see whether the coming administration will give a man with a bit of capital a fair show. Waiting to see what will be done with the tariff. And waiting to see if the country is to be ruled by an autocracy, a mobocracy or as a republic."

"There are two extreme parties now; one composed of the present administration and its friends, and which desires a pure democracy in control.

"This government was organized as a republic, but as a result of these two parties pulling in different directions, it has for the time ceased to be a republic, and just at the moment is an oligarchy.

"You must not understand me as taking a pessimistic view of general affairs, because I am hopeful about the governmental affairs."

After explaining that the railroads and the country at large were mutually dependent upon each other for their general welfare, the magnate said:

"If Mr. Taft adopts a generous or even fair policy toward the railways, business generally will advance quickly to what we wish to see.

"It may sound to some people as putting it very strong, when I say that the railroads of the country have been persecuted by the present administration, but it is true."

HETTY SHOULD HAVE BOUGHT THE OLD MAN FOR HER OWN OLD SELF LETS HER DAUGHTER MARRY AN OLD MAN AFFLICTED WITH THE GOUT—HER MIND EVIDENTLY FAILING

Morristown, N. J., Feb. 23.—Sylvia Green, daughter of Mrs. Hetty Green, richest woman in the world, was married today to Mathew Astor Wilks, at St. Peter's church, by the Rev. Philemon F. Sturgees.

Hetty Green was present at the ceremony. The bride was given away by her cousin, Howard L. Pell.

A great crowd, carrying rice and old shoes, surrounded the flat in which Mrs. Green and her daughter was staying. Finally an elderly woman and another much younger emerged with their faces veiled, leaving public curiosity unsatisfied.

Hoboken, N. J., Feb. 23.—It was learned here this morning, while preparations were being made for the simple marriage this afternoon of Miss Sylvia Green, daughter of Hettie Green, to Matthew Astor Wilks, that the "richest woman" had not given her consent until the eleventh hour. She wanted her daughter to marry a younger man. In fact, Mrs. Green, in a heart-to-heart talk with Wilks, indulged in a few snappy remarks, winding up by saying:

"Mr. Wilks, I think you're a pretty nice man, and I've no doubt you'll treat Sylvia decently, but, Mr. Wilks, you're 65 years old and have the gout.

"And, Mr. Wilks, I want to know where my money's going when I'm gone. There will be \$5000 a day income for Sylvia after I'm dead, and who is going to look after it? You'll

excuse me if I speak plainly. An heir would hold this great fortune intact in the great line of descent and the bulk of it would not be disbursed. This, I believe, concerns my daughter's happiness alone."

Wilks smilingly took Mrs. Green's solicitude in good part. His physician has not regarded his affliction of gout as at all of a serious nature and took the trouble to call on Miss Green and assure her mother her prospective son-in-law was not ailing.

Two policemen hustled back the crowd as the women entered a carriage and were driven to the Delaware, Lackawanna & Western railroad station.

At the station it was discovered that they were Hetty Green and her daughter.

Mrs. Green wore a black silk dress trimmed with genuine Irish point lace and a bonnet of foreign 'creation.' A long coat prevented the dress of Miss Sylvia being seen.

The couple were greeted by an elderly man whose face was hidden by a fur lined coat collar, which was turned up. Many in the crowd professed to recognize him as Wilks.

The party entered a private car on the regular westbound train. It was announced later that they left for Morristown.

The party included, besides Wilks and the Greens, Mr. and Mrs. Howland Pell, Mr. and Mrs. Stephen Bell, Mr. and Mrs. Armory Garhart. Several relatives of Wilks met them at Morristown.

WASHINGTON RESORT WASHED INTO THE SEA

Hoquiam, Wash., Feb. 23.—Practically the whole north end of Moclips, a seashore resort near Hoquiam, has been washed into the sea, carrying several cottages and their contents with it, and other structures are being slowly pounded to pieces by the heavy waves, according to a special dispatch just received by the Grays Harbor News.

The report received here says the high tide washed away about half a mile of the dyke, leaving part of the popular resort, which is inhabited in the summer by wealthy families, at the mercy of the high rolling sea. No fatalities have been reported so far.

SUFFRAGE CARRIES IN WASHINGTON

[United Press Leased Wire.] Olympia, Wash., Feb. 23.—The woman suffrage bill passed the senate this morning without a ripple, by a vote of 30 to 9, and now goes to acting-Governor Hay for his signature. The bill was introduced in the house early in the session by Bell of Pierce.

The passage of the bill in the senate was engineered by Senator Pike of King and it had no opposition.

It is thought here that a majority of the cottages were unoccupied.

One strip of land 12 feet high, 25 feet wide and 1000 feet long was carried away. On this the houses were located. The bath houses along the beach are being slowly undermined, and a big mine nearby employing a large number of men, is being pounded to pieces. The surf, where the dyke has been torn down is having full sweep of the beach. The damage to property has already reached into the thousands of dollars. A part of the Indian reservation at that point has been destroyed.

The bill provides that at the next election there shall be submitted to the voters a constitutional amendment giving the people the right to say whether women shall vote or not

JOHN C. YOUNG TO BE PORTLAND'S POSTMASTER

[United Press Leased Wire.] Washington, Feb. 23.—The nomination of John C. Young as postmaster of Portland, Ore., today was ordered reported favorably by the senate committee on postoffices.